

REMARKS

The Office Action has been received and carefully considered. The Office Action rejects claims 1-40, 42, 43, 45, 46, and 87-92 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement, rejects claims 1-4, 6, 7, 11-16, 20, 21, 35-37, 39-43, 45-47, 58-64, 82-85, and 87-92 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,786,816 to Macrae *et al.* ("Macrae"), rejects claim 5 under 35 U.S.C. § 103(a) as being obvious over Macrae, rejects claims 8-10, 28-34, and 38 under 35 U.S.C. § 103(a) as allegedly being obvious over Macrae in view of U.S. Patent No. 6,314,556 to DeBusk *et al.* ("DeBusk"), rejects claims 17-19 under 35 U.S.C. § 103(a) as allegedly being obvious over Macrae in view of U.S. Patent No. 5,542,024 to Balint *et al.* ("Balint"), rejects claims 22-24 under 35 U.S.C. § 103(a) as allegedly being obvious over Macrae in view of U.S. Patent No. 6,047,259 to Campbell *et al.* ("Campbell"), rejects claims 25-27 under 35 U.S.C. § 103(a) as allegedly being obvious over Macrae in view of U.S. Patent Application Publication No. 2004/0039602 to Greenberg *et al.* ("Greenberg"), and rejects claims 86 under 35 U.S.C. § 103(a) as allegedly being obvious over Macrae in view of U.S. Patent Application No. 2002/0035486 to Huyn *et al.* ("Huyn"). Applicant respectfully traverses these rejections. Reconsideration of claims 1-21, 23-40, 42-43, 45-47, 58-64, and 82-92 is respectfully requested based on the following remarks.

I. The Objection To Claim 82 Is Moot

The Office Action objects to claim 82 because of informalities. *See* Office Action, page 2. Applicant respectfully submits that the amendments to the claims submitted herein overcome the objection based on informalities. Accordingly, the objection to claim 82 is moot and should be withdrawn.

II. The Rejection Of Claims 1-40, 42, 43, 45, 46, And 87-92 Under 35 U.S.C. § 112, First Paragraph, Should Be Withdrawn.

Claims 1-40, 42, 43, 45, 46, and 87-92 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action alleges that Applicant's specification does not support the following claim limitation: "navigation means arranged to enable the healthcare practitioner to choose the node to traverse next independently of the node suggested by the pathway means, the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of nodes representing a currently traversed patient care pathway." *See* Office Action, page 3. Applicant respectfully submits that claims 1-40, 42, 43, 45, 46, and 87-92 comply with the written description requirement.

Applicant respectfully draws the Examiner's attention to the portion of the specification that discloses that "[i]n some cases, it may also be possible for the clinical practitioner to skip certain nodes 426 in a workflow 424, this functionality being incorporated into the definition of the node." Specification, page 39, paragraph 0131. Therefore, because the specification discloses support for the "navigation means arranged to enable the healthcare practitioner to choose the node to traverse next independently of the node suggested by the pathway means, the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of nodes representing a currently traversed patient care pathway" limitation, the rejection of the independent claims and all claims dependent thereon under 35 U.S.C. § 112, first paragraph, is improper and must be withdrawn.

III. Macrae Fails To Disclose Electronic Patient Record Management System (EPRMS) Management Means

Claims 1, as amended, recites “Electronic Patient Record Management System (EPRMS) management means for communicating with an EPRMS and obtaining and presenting details of a selected electronic patient record in a portion of the page.” Claims 46, 47, 58, 82, and 92, the only other independent claims contain similar limitations. Macrae fails to disclose these limitations. Indeed, Macrae fails to disclose “Electronic Patient Record Management System (EPRMS) management means for communicating with an EPRMS and obtaining and presenting details of a selected electronic patient record in a portion of the page” or any thing that can be reasonably relied upon to disclose an Electronic Patient Record Management System (EPRMS) means.

Anticipation under 35 U.S.C. § 102 requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), reinforces this principle: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Because the cited reference fails to disclose “Electronic Patient Record Management System (EPRMS) management means for communicating with an EPRMS and obtaining and presenting details of a selected electronic patient record in a portion of the page” a rejection over such a reference would be improper.

IV. Macrae Fails To Disclose Navigation Means That Permit The Healthcare Practitioner To Traverse A Route Across The Map That Misses Out One Or More Nodes From The Series Of The Plurality Of Interlinked Nodes Representing A Currently Traversed Care Pathway

Claim 1, as amended, recites that an “navigation means arranged to enable the healthcare practitioner to choose the node to traverse next independently of the node suggested by the pathway means, the navigation means being further arranged to *permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of the plurality of interlinked nodes representing a currently traversed patient care pathway.*” Claims 46, 47, 58, 82, and 92, the only other independent claims contain similar limitations. Macrae fails to disclose these limitations.

The Office Action cites to two passages of Macrae as allegedly disclosing this limitation. Applicant respectfully asserts that neither these passages nor any other portion of Macrae discloses “the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of the plurality of interlinked nodes representing a currently traversed patient care pathway,” as presently claimed. The first passage of Macrae cited, for example, simply discusses forcing the system of Macrae to branch down a specific path:

To force the plan to branch down a specific path, regardless of the result values and the flow control rules, a user opens the right-most active Flow Control node, select the rule governing the desired path, and click the Execute button. The plan will branch down the specified path.

Macrae, col. 19, ll. 56-60. Likewise, the second passage of Macrae cited simply discusses a the system of Macrae making a branch determination as opposed to missing out one or more nodes from the series of the plurality of interlinked nodes:

The Flow Control node contains the rules that determine which set of orders are followed. Flow control nodes are connected to one or more Order nodes.

However, only one of the Order nodes will be executed.

Macrae, col. 12, ll. 37-40. At most, these passages of Macrae disclose following a first branch over a second branch. These passages, however, fail to disclose skipping over one or more nodes of a series of a plurality of interlinked nodes representing a currently traversed patient care pathway. Indeed, the system of Macrae is limited to enabling a user to choose a first branch over a second branch. This limited functionality, however, can not be relied upon to disclose “the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of the plurality of interlinked nodes representing a currently traversed patient care pathway,” as presently claimed.

The Office Action asserts that “Macrae teaches branching down a specific path ...[and] [d]oing so would ‘miss out’ on an entire branch of nodes.” *See* Office Action, page 27. Applicant respectfully disagrees. Macrae at most discloses enabling a user to choose a specific branch. Indeed, the passages cited by the Office Action support such an interpretation of Macrae in that they only disclose a the system enabling a user to choose a specific branch as opposed to choosing a specific node.

In sharp contrast, the claims recite a “navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from

the series of the plurality of interlinked nodes *representing a currently traversed patient care pathway*.” Accordingly, the claimed invention is directed to enabling a healthcare practitioner to choose a route that misses out one or more nodes from the series of the plurality of interlinked nodes *while* the healthcare practitioner is traversing *a patient care pathway*. That is, the claimed invention enables the healthcare practitioner to skip over at least one node on a patient care pathway to another node on the same patient care pathway. Accordingly, Applicant respectfully submits that Macrae fails to disclose “the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of the plurality of interlinked nodes representing a currently traversed patient care pathway,” as presently claimed.

Anticipation under 35 U.S.C. § 102 requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), reinforces this principle: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Because the cited reference fails to disclose “navigation means arranged to enable the healthcare practitioner to choose the node to traverse next independently of the node suggested by the pathway means, the navigation means being further arranged to permit the healthcare practitioner to traverse a route across the map that misses out one or more nodes from the series of the plurality of interlinked nodes representing a currently traversed patient care pathway” the rejections are improper and must be withdrawn.

V. Conclusion

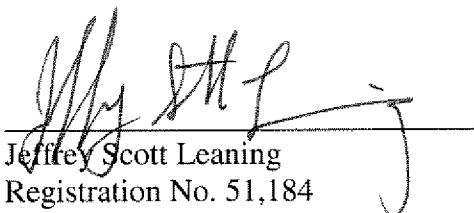
In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The present response is submitted together with a request for continued examination and associated fee. In the event that a variant exists between the amount tendered and that determined by the U.S. Patent and Trademark Office to enter this Reply or to maintain the present application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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